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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenji Yoshioka

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RATNER AND PRESTIA

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EXAMINER

NGUYEN, HUNG T

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 05/05/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,392

Applicant(s)

YOSHIOKA, KENJI

Examiner

Hung T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,22-29,33-37,40-51,53 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,22-29,33-37,40-51,53 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18, 22-29, 33-37, 40-41, 45-51, 53 & 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. (U.S. 6,262,655).

Regarding claim 1, Yoshioka discloses an emergency information terminal (1, 101) mounted in a vehicle having main battery (108) for executing an emergency call notify process to a center supervising a emergency information system such as police, fire station [figs.1,9, col.4, lines 44-65 and col.17, lines 35-54].

Yoshioka does not specifically mention the main battery is supplying the power to at least two power supply circuits as claimed by the applicant.

However, Yoshioka does teach the main battery (108) supplies power to a plurality of units (111,112D,113,14,115,116,118) within the terminal device (101) and the main battery (108) supplies power to power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) [fig.9, col.17, lines 47-54].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka for providing power to a plurality of circuits in the form of units within the terminal device (1,101) to communicate to remote emergency information system.

Regarding claim 2, Yoshioka discloses a controller (12,112D) includes the power supply controller (119) having a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) which may detect all of abnormality in the terminal device's circuits [fig.9, col.17, lines 42-54].

Regarding claims 3-7, Yoshioka discloses the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62].

Regarding claims 8-9, Yoshioka discloses the controller (112B, 112D) may record or recognize data (number of times) of the abnormality from the main battery (108) in the memory device (118) [col.3, lines 1-6, col.16, lines 39-46 and col.17, line 63 to col.18, line 7].

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Regarding claims 10-18, Yoshioka discloses the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62].

Regarding claims 22-26, Yoshioka discloses the controller (12) controls data such as position information [fig.1, col.6, lines 16-31 and col.7, lines 36-45].

Yoshioka does not specifically mention a sub controller operable to control communications with an external device.

However, Yoshioka teaches the controller (12) controls data such as position information , low battery condition (108), a telephone (5) communicate to the emergency stations in case of accident or relatives and so on [figs.1,9, col.4, line 60 to col.5, line 10, col.7, lines 36-45, col.17, line 42 to col.18, line 8] without mention a sub controller operable to control communications with an external device because the sub controller device is not a primary subject of the invention and that is an obvious design choice of skilled artisan.

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka for performing the same function as desired as to communicate to remote emergency information system.

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Regarding claims 27-29 & 33-37, Yoshioka discloses the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62].

Regarding claims 40-41, Yoshioka discloses an emergency information terminal (1, 101) mounted in a vehicle having main battery (108) for executing an emergency call notify process to a center supervising a emergency information system such as police, fire station by an external device (5) as a telephone [figs.1,9, col.4, lines 44-65 and col.17, lines 35-54] comprising:

- the controller (12) controls data such as position information [fig.1, col.6, lines 16-31 and col.7, lines 36-45].

Yoshioka does not specifically mention a sub controller operable to control communications with an external device.

However, Yoshioka teaches the controller (12) controls data such as position information , low battery condition (108), a telephone (5) communicate to the emergency stations in case of accident or relatives and so on [figs.1,9, col.4, line 60 to col.5, line 10, col.7, lines 36-45, col.17, line 42 to col.18, line 8] without mention a sub controller operable to control communications

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with an external device because the sub controller device is not a primary subject of the invention and that is an obvious design choice of skilled artisan.

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka for performing the same function as desired as to communicate to remote emergency information system.

Regarding claims 45-46 & 48, Yoshioka discloses an emergency information terminal (1, 101) mounted in a vehicle having main battery (108) for executing an emergency call notify process to a center supervising a emergency information system such as police, fire station [figs.1,9, col.4, lines 44-65 and col.17, lines 35-54].

Yoshioka does not specifically mention the main battery is supplying the power to at least two power supply circuits as claimed by the applicant.

However, Yoshioka teaches the main battery (108) supplies power to a plurality of units (111,112D,113,14,115,116,118) within the terminal device (101) and the main battery (108) supplies power to power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) [fig.9, col.17, lines 47-54].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka for providing power to a plurality of circuits in the form of units within the terminal device (1,101) to communicate to remote emergency information system.

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Regarding claim 47, Yoshioka discloses the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62].

Regarding claims 49-51, & 56, Yoshioka discloses an emergency information terminal (1, 101) mounted in a vehicle having main battery (108) for executing an emergency call notify process to a center supervising a emergency information system such as police, fire station by an external device (5) as a telephone [figs.1,9, col.4, lines 44-65 and col.17, lines 35-54].

Yoshioka does not specifically mention the power controller device to cut off the power as claimed by the applicant.

However, Yoshioka does teach the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62].

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka for providing power to the terminal device (1,101) to communicate to remote emergency information system.

Regarding claim 53, Yoshioka does not specifically mention the emergency information terminal comprising a second power controller device which may supply power and to cut off the power of the emergency information terminal as claimed by the applicant.

However, Yoshioka does teach the power supply controller (119) includes a first section for detecting the voltage of power from the main battery (108) and a second section for comparing the detected voltage of power from the main battery (108) with a predetermined reference level that is a minimum level requirement. When the voltage of power from the main battery (108) drops below the minimum necessary level, the power supply controller (119) replaces the main battery (108) with an auxiliary battery (107) as a power source for the units (111,112D,113,14,115,116,118) within the terminal device (101) [fig.9, col.17, lines 42-62] without mention a second power controller device operable to control the power because the second controller device is not a primary subject of the invention and that is an obvious design choice of skilled artisan.

Therefore, it would have been obvious to one having ordinary skill in the art to employ the system of Yoshioka includes the controller device (12) for providing power to the terminal device (1,101) to communicate to remote emergency information system.

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3. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. (U.S. 6,262,655) in view of Yoshioka et al. (U.S. 6,392,316).

Regarding claims 42-44, Yoshioka '655 does not specifically disclose the main controller to inform a user that the auxiliary battery supplies power to the circuits by controlling an indicator to light or flicker.

Yoshioka '655 discloses the controller (112D) is operable to inform a user that the main battery (107) is replaced by the back-up battery (108) as numbers of times is reported [col.17, line 63 to col.18, line 7].

Yoshioka '316 teaches the main controller (4) operates a display (14) to flicker (LED, LCD) to inform a driver of the empty condition or an battery error condition of the backup battery (12) [fig.4, col.5, lines 54-59 and abstract].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of Yoshioka '316 in the system of Yoshioka '655 for providing the visual alarm signal to the driver when disclose the main controller to inform the driver that the auxiliary battery supplies power to the circuits NOT the main battery.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arai et al. (U.S. 5,744,963) Battery residual capacity measuring apparatus and method for measuring open circuit voltage as the battery starts and stop supplying power.

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- Rich (U.S. 6,031,355) circuit utilizing current flowing from a high potential battery bank to a low potential battery bank.
- Behrends et al. (U.S. 6,088,638) Safety system for an electrical system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Examiner: Hung T. Nguyen

Date: April 30, 2004